

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Petition of the Bell Atlantic Telephone Companies for)
Forbearance from Regulation as a Dominant Carriers) CC Docket No. 99-24
in Delaware; Maryland; Massachusetts; New Hampshire;)
New Jersey; New York; Pennsylvania; Rhode Island;)
Washington, DC; Vermont; and Virginia)

MOTION FOR EXTENSION OF TIME

KMC Telecom, Inc., ("KMC"), by its attorneys, respectfully requests extensions of time until March 18, 1999 and April 8, 1999 in which to file comments and reply comments, respectively, in the above-captioned proceeding. Comments and reply comments are currently due March 8, 1999 and March 30, 1999 respectively.¹

Bell Atlantic's request for forbearance raises very significant issues concerning the extent to which the Commission should continue price regulation for special access services. KMC and other competitive local exchange carriers ("CLECs") view pricing flexibility issues as among the most important issues under review by the Commission and among the issues most likely to affect the growth of competition and achievement of the local service competition goals of the Act.

¹ *Public Notice*, Petition of the Bell Atlantic Telephone Companies for Forbearance from Regulation as a Dominant Carriers in Delaware; Maryland; Massachusetts; New Hampshire; New Jersey; New York; Pennsylvania; Rhode Island; Washington, DC; Vermont; and Virginia, DA 99-224 , CC Docket No. 99-24 (rel. January 21, 1999).

KMC has vigorously participated in the proceedings concerning forbearance from regulation of high capacity services initiated by SBC Communications, Inc.,² and will participate in the proceeding concerning Ameritech's petition for forbearance from regulation of high capacity services in the Chicago LATA.³ KMC also intends to fully participate in proceedings concerning two other petitions that are of critical importance to KMC and other CLECs.⁴ These proceedings concern some of the most important issues affecting CLECs and competition, including, as indicated, pricing flexibility, and compliance with the key market opening provisions of the Act.

At the same time, the volume and frequency of recent petitions filed by the Regional Bell Operating Companies ("RBOCs") requires significant additional commitments in time and resources in order for KMC and other CLECs to effectively participate in proceedings concerning these petitions. Moreover, the Commission has called for initial comments on the

² *Public Notice*, Petition of SBC Communications, Inc. for Forbearance from Regulation as a Dominant Carrier for High Capacity Dedicated Transport Services in Fourteen Metropolitan Service Areas,, CC Docket No. 98-227 (rel. December 8, 1998); *1998 Biennial Regulatory Review -- Petition for Section 11 Biennial Review*, Notice of Proposed Rulemaking, CC Docket No. 98-177, FCC 98-238, released November 24, 1998.

³ *Public Notice*, Petition of Ameritech for Forbearance from Dominant Carrier Regulation of its Provision of High Capacity Services in the Chicago LATA, DA 99-334, CC Docket No. 99-65 (rel. February 16, 1999).

⁴ *Public Notice*, Commission Seeks Comment on Bell Atlantic's Progress Report on Compliance With Bell Atlantic/NYNEX Merger Order Conditions, File No. AAD 98-24, DA 99-296 (rel. February 5, 1999); *Public Notice* Development of a National Framework to Detect and Deter Backsliding to Ensure Continued Bell Operating Company Compliance with Section 271 of the Communications Act Once In-region InterLATA Relief Is Obtained, Petition for Expedited Rulemaking, Allegiance Telecom, Inc., RM 9474,, Report No. 2315 (rel. February 5, 1999).

Bell Atlantic/NYNEX merger conditions and the Allegiance petition on the same date on which comments are due in the above-captioned proceeding.⁵

Given the inadvertent confluence of initial comment due dates on these proceedings, KMC will be unable to participate as effectively, or provide the Commission as complete a record, if due dates on these important proceedings were spread out to some degree. In particular, the very lengthy Bell Atlantic petition and supporting documents in the instant proceeding raise many complex interrelated issues of law, policy, and fact that requires extensive review and analysis. Moreover, shortly after the Commission released its *Public Notice* concerning the Bell Atlantic petition, the Supreme Court released its decision in *AT&T Corp. v. Iowa Utilities Board* that reestablished the ground rules under the 1996 for local service competition.⁶ KMC has found it necessary to consider the Bell Atlantic petition in light of this decision and to determine the impact of this decision on the pricing and competitive issues raised therein.

KMC submits that the confluence of due dates on these important proceedings and the difficult and complex issues raised in the Bell Atlantic petition constitute good cause and unique circumstances warranting a brief extension of time. A brief extension would serve the public interest by permitting KMC and other parties to more effectively participate in this proceeding and to provide a complete record on which the Commission can base a final decision. In addition, a brief additional extension would not unduly delay the outcome of this proceeding or prejudice any party.

⁵ See proceedings cited in n. 4, *supra*.

⁶ 119 S.Ct. 721 (1999).

Accordingly, KMC respectfully requests an extension of time to file comments and reply comments in this proceeding until March 18, 1999 and April 8th, 1999, respectively.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick J. Donovan", written over a horizontal line.

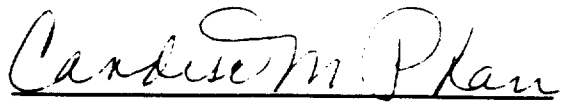
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Dated: March 1, 1999

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March 1999, copies of the foregoing Motion for Extension of Time of KMC Telecom, Inc. was served by hand delivery on the parties on the attached service list:



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